

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MARK HARSH,)	
)	
Plaintiff,)	
)	Civil Action No. 10-223 Erie
v.)	
)	
MICHAEL BARONE, et al.,)	
)	
Defendants.)	

MEMORANDUM ORDER

This action was received by the Clerk of Court on September 7, 2010 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [ECF No. 45], filed on November 18, 2011, recommended that the motion to dismiss filed by Defendants Barone, Bunting, Riskus and Setnik [ECF No. 38] be granted insofar as Defendant Barone should be dismissed from this action, and denied in all other regards. The parties were allowed fourteen (14) days from the date of service to file objections. Plaintiff filed objections [ECF No. 46] on December 1, 2011. After de novo review of the documents in the case, together with the Report and Recommendation and objections thereto, the following order is entered:

AND NOW, this 7th day of December, 2011;

IT IS HEREBY ORDERED that the motion to dismiss filed by Defendants Barone, Bunting, Riskus and Setnik [ECF No. 38] is GRANTED with respect to Defendant Barone and he is hereby DISMISSED from this action; the motion is DENIED in all other regards.

The Report and Recommendation [ECF No. 45] of Magistrate Judge Baxter, filed on November 18, 2011, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge